

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TASI Q. CADIZ,

CASE NO. C19-5244 RSM

Plaintiff,

ORDER

V.

MULTICARE HEALTH SYSTEM,

Defendant.

This matter is before the Court on Plaintiff's motion requesting that the Court reconsider its order dismissing this action. Dkt. #12. Having considered the motion and the record, the Court denies Plaintiff's motion for reconsideration.

Plaintiff sought to proceed in forma pauperis before this Court and filed an application and a proposed complaint. Dkt. #1. United States District Judge Ronald B. Leighton reviewed the proposed complaint under 28 U.S.C. § 1915, determined that it was facially deficient, and ordered Plaintiff to pay the filing fee or file an amended complaint within a specified time. Dkt. #5. Plaintiff filed an amended proposed complaint after the time specified and provided no explanation for the untimeliness. Dkts. #6 and #7.

When this case was transferred to the undersigned, the Court noted Plaintiff's failure to comply with Judge Leighton's prior order or explain his non-compliance and his failure to take

1 any action in the subsequent year and ordered Plaintiff to show cause for his actions. Dkt. #10.
2 The Court directed Plaintiff to respond within a specified time or face dismissal. *Id.* Plaintiff
3 again failed to respond to the Court's order and the Court dismissed the case. Dkt. #11.
4 Approximately two weeks later, Plaintiff filed his motion for reconsideration.

5 "Motions for reconsideration are disfavored." W.D. Wash. Local Rules LCR 7(h)(1).
6 Consequently, the Court will "ordinarily deny such motions in the absence of a showing of
7 manifest error in the prior ruling or a showing of new facts or legal authority which could not
8 have been brought to [the Court's] attention earlier with reasonable diligence." *Id.* "This
9 standard is a 'high hurdle.'" *Aronson v. Dog Eat Dog Films, Inc.*, 738 F. Supp. 2d 1104, 1118
10 (W.D. Wash. 2010) (citing *Weeks v. Bayer*, 246 F.3d 1231, 1236 (9th Cir. 2001)). Plaintiff's
11 motion falls short.

12 Plaintiff's motion is confusing and does not explain his failure to comply with either of
13 this Court's prior orders. Dkt. #12. At best, Plaintiff indicates that he needed additional time to
14 respond to the Court's order to show cause. *See* Dkt. #12 at 2. But Plaintiff does not adequately
15 explain his failure to request a continuance. Requiring only good cause, Plaintiff's request would
16 not have been difficult to prepare and is a far less onerous task than Plaintiff's other filings. The
17 Court finds that there was no reason that Plaintiff could not have alerted the Court of any relevant
18 facts related to a request for a time extension in the time permitted by the Court. Twice Plaintiff
19 has failed to take actions within the times specified by the Court and each time he has failed to
20 provide any adequate explanation for his non-compliance. As such, the Court finds no adequate
21 basis to grant Plaintiff's motion for reconsideration.

22 Accordingly, and having considered Plaintiff's motion and the remainder of the record,
23 the Court finds and ORDERS that "Plaintiff's Motion for Dismissed Complaint as Seeks to
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1 Reopen" (Dkt. #12) is DENIED. This matter remains CLOSED. The Clerk shall provide a copy
2 of this Order to Plaintiff at his last known mailing address.

3 Dated this 12th day of November, 2020.

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6 RICARDO S. MARTINEZ
7 CHIEF UNITED STATES DISTRICT JUDGE
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